

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

| | | |
|------------------------|---|--------------------|
| DEREK LAMONT BLACKMON, |) | |
| |) | |
| Petitioner, |) | |
| |) | |
| v. |) | No. 4:15CV1167 CDP |
| |) | |
| JAMES HURLEY, |) | |
| |) | |
| Respondent. |) | |

MEMORANDUM AND ORDER

 This matter is before the Court on petitioner's motion to proceed in forma pauperis and motion for appointment of counsel. The motion to proceed in forma pauperis is granted, and the motion for appointment of counsel is denied.

 There is no constitutional or statutory right to appointed counsel in civil cases. Nelson v. Redfield Lithograph Printing, 728 F.2d 1003, 1004 (8th Cir. 1984). In determining whether to appoint counsel, the Court considers several factors, including (1) whether the petitioner has presented non-frivolous allegations supporting his or her prayer for relief; (2) whether the petitioner will substantially benefit from the appointment of counsel; (3) whether there is a need to further investigate and present the facts related to the petitioner's allegations; and (4) whether the factual and legal issues presented by the action are complex. See Johnson v. Williams, 788 F.2d 1319, 1322-23 (8th Cir. 1986); Nelson, 728 F.2d at 1005.

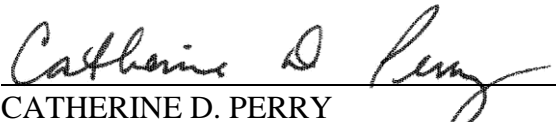
 After considering these factors, the Court finds that the facts and legal issues involved are not so complicated that the appointment of counsel is warranted at this time. Petitioner only raises one ground in the petition: that plea counsel was ineffective for failing to advise him that arson is a violent crime. So far, petitioner has shown that he can adequately present his claim to the Court.

Accordingly,

IT IS HEREBY ORDERED that petitioner's motion for leave to proceed in forma pauperis [ECF No. 2] is **GRANTED**.

IT IS FURTHER ORDERED that petitioner's motion for appointment of counsel [ECF No. 4] is **DENIED**.

Dated this 3rd day of August, 2015.



CATHERINE D. PERRY
UNITED STATES DISTRICT JUDGE